

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

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**SKYLAR GUNN, individually, and on behalf  
of all others similarly situated,**

**Plaintiff,**

**Case No. 1:13-cv-1035-STA-egb**

**v.**

**JURY DEMAND  
FLSA COLLECTIVE ACTION**

**NPC INTERNATIONAL, INC.,**

**Defendant.**

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**WILLIAM HARRIS, individually, and on behalf  
of all others similarly situated,**

**Plaintiff,**

**Case No. 1:13-cv-1033-STA-egb**

**v.**

**JURY DEMAND  
FLSA COLLECTIVE ACTION**

**NPC INTERNATIONAL, INC.,**

**Defendant.**

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**CANDACE JOWERS, individually, and on behalf  
of all others similarly situated,**

**Plaintiff,**

**Case No. 1:13-cv-1036-STA-egb**

**v.**

**JURY DEMAND  
FLSA COLLECTIVE ACTION**

**NPC INTERNATIONAL, INC.,**

**Defendant.**

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**TIFFNEY PENLEY, individually, and on behalf  
of all others similarly situated, and ASHLEY  
LEWIS, individual and on behalf of all others  
similarly situated,**

**Plaintiffs,**

**v.**

**NPC INTERNATIONAL, INC.,**

**Defendant.**

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**Case No. 1:13-cv-1031-STA-egb**

**JURY DEMAND  
FLSA COLLECTIVE ACTION**

**LEAH REDMOND, individually, and on behalf  
of all others similarly situated,**

**Plaintiff,**

**v.**

**NPC INTERNATIONAL, INC.,**

**Defendant.**

**Case No. 1:13-cv-1037-STA-egb**

**JURY DEMAND  
FLSA COLLECTIVE ACTION**

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**NOTICE OF YOUR RIGHT TO JOIN A COLLECTIVE ACTION LAWSUIT**

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*A Court authorized this Notice. This is not a solicitation from a lawyer.*

**PLEASE READ THIS NOTICE CAREFULLY.  
IT MAY AFFECT YOUR LEGAL RIGHTS.**

- A server, a cook, a delivery driver, two shift managers, and a customer service representative who worked for NPC International, Inc. (“NPC”) have sued the company alleging that they were required to undergo training and attend meetings while not clocked in; perform non-tip-producing work at below minimum wage; perform side work in excess of 20% of their time while clocked in as a tipped employee; falsely report tips they did not receive to reduce the amount of supplemental compensation NPC paid them to meet the minimum wage; and otherwise perform work off-the-clock and without compensation.
- The Court has conditionally certified this lawsuit as an opt-in collective action. **To participate in this collective action, you must return the CONSENT TO JOIN FLSA COLLECTIVE ACTION form so it is received by [day], [date], 2017. [60 days from issuance]**
- The Court has not decided whether NPC did anything wrong. Your legal rights, however, are affected, and you have choices to make now that are explained in this Notice.

## **1. Basic information.**

This Notice is to inform you about a lawsuit in which you may make a claim for unpaid time worked, for work performed at less than the minimum wage as well as for unpaid overtime, and to advise you of how your rights may be affected by this suit, and to describe how you can participate in these proceedings.

A server, a cook, a delivery driver, two shift managers, and a customer service representative (collectively “Plaintiffs”) have sued NPC on behalf of themselves and other similarly-situated servers, cooks, delivery drivers, shift managers, and customer service representatives. Your rights may be affected if you worked for NPC as a server, cook, delivery driver, shift manager, and customer service representative at any time from **January 1, 2014 to December 31, 2016**.

## **2. Summary of the case.**

Plaintiffs filed five separate lawsuits, one for each job classification, on January 29 and 30, 2013. Plaintiffs allege that NPC improperly required them to attend meetings and job training off-the-clock and otherwise work off-the-clock and without compensation. Plaintiffs also claim that NPC did not pay its servers minimum wage because it required them to perform too much non-tip producing work and to falsely report tips. Accordingly, Plaintiffs further allege that because of these actions, NPC failed to properly compensate these hourly-paid, non-exempt employees for all time worked.

This case involves the allegations that these individuals were allegedly denied proper compensation under the Fair Labor Standards Act (“FLSA”). In other words, Plaintiffs allege that servers, cooks, delivery drivers, shift managers, and customer service representatives were paid improperly by NPC and are entitled to recover unpaid wages, liquidated damages, attorneys’ fees, and costs.

NPC denies Plaintiffs’ allegations and denies that Plaintiffs and those they seek to represent are entitled to any relief. NPC believes that its servers, cooks, delivery drivers, shift managers, and customer service representatives were properly compensated under the FLSA for all work performed. NPC believes that it has complied with the FLSA in good faith.

## **3. The Court has certified a “collective action” in which you may participate.**

If you worked for NPC as a server, cook, delivery driver, shift manager, or customer service representative between January 1, 2014 and December 31, 2016 in Alabama, Arkansas, Kentucky, Mississippi, or Tennessee and you believe that you were not paid in compliance with the FLSA, you may wish to participate in this FLSA Collective Action.

To participate in the FLSA Collective Action, **you must complete, sign, and return the yellow CONSENT TO JOINT FLSA COLLECTIVE ACTION form enclosed with this Notice so that it is received on or before [day of week], [date], 2017. [60 days from issuance]**

Because the liability period for your claim depends on the postmark date of your Consent to Join

FLSA Collective Action form or the date your Consent to Join is received by the Settlement Administrator, you are encouraged to return it as soon as possible if you intend to participate. If you do not return the form so that it is received by [day of week], [date], 2017 [60 days from issuance], you will not be able to seek FLSA wage damages in this lawsuit, and your FLSA rights will not be affected by this lawsuit.

If you do not wish to seek wages damages by participating in the FLSA Collective Action, you do not need to take any action. Choosing not to participate in the FLSA Collective Action will not affect your rights under the FLSA.

**4. NPC is prohibited from retaliating against you.**

Federal law prohibits NPC from discriminating or retaliating against you because you have exercised your legal right to opt into the FLSA Collective Action or because you have otherwise exercised your rights under the FLSA.

**5. If you previously signed an arbitration agreement.**

Your right to join this lawsuit is not affected if your application for employment with NPC included an arbitration clause.

**6. The legal effect of joining this lawsuit.**

Your ability to recover money may differ depending on what choices you make. If you choose to participate in the FLSA Collective Action by submitting the enclosed **CONSENT TO JOIN FLSA COLLECTIVE ACTION** form, you will be bound by any settlement of the FLSA claims that may be approved by the Court as fair and reasonable.

**7. The legal effects of not joining this lawsuit.**

If you choose not to participate in the FLSA Collective Action, the statute of limitations for any claim for unpaid compensation that you may have will continue to run, and your claim could expire. If you do not participate in the FLSA Collective Action, you will not be bound by any ruling, judgment, award, or settlement entered in this case, whether favorable or unfavorable.

**8. Legal representation if you join the lawsuit.**

If you choose to participate in this lawsuit, you may, but are not required to, retain the counsel representing the Named Plaintiffs in each case. The attorneys for Named Plaintiffs are:

Gordon E. Jackson  
J. Russ Bryant  
Paula R. Jackson  
**JACKSON, SHIELDS, YEISER, & HOLT**  
262 German Oak Drive  
Memphis, TN 38018

Telephone: (901) 754-8001  
*gjackson@jsyc.com*  
*rbryant@jsyc.com*  
*pjackson@jsyc.com*

If you decide to retain counsel other than the attorneys listed above, your attorney will be able to assist you regarding the Consent to Join the FLSA Collective Action.

**9. How to join this lawsuit.**

To join this lawsuit, you must complete the enclosed Consent Form and return it as follows:

You must mail the completed Consent Form to the following address **WITH IT BEING RECEIVED ON OR BEFORE [60 days after notice issued]** to the Settlement Claims Administrator at the following address:

**[INSERT SETTLEMENT CLAIMS ADMINISTRATOR ADDRESS]**

**10. Additional information.**

The information in this Notice is only a summary of the litigation. For further information about this lawsuit, you may contact Plaintiffs' Counsel using the information provided above.

**Although the Court has authorized the sending of this Notice, the Court expresses no opinion regarding the merits of Plaintiffs' claims or NPC's liability, if any.**

**DEADLINE:**

**IF YOU WISH TO SUBMIT A CONSENT TO JOIN FLSA COLLECTIVE ACTION FORM,**

**IT MUST BE RETURNED BY [DAY OF WEEK], [DATE], 2017. [60 days after notice issued]**

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**LEAH REDMOND, individually, and on behalf  
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**Case No. 1:13-cv-1037-STA-egb**

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**CONSENT TO JOIN FLSA COLLECTIVE ACTION**

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By my signature below, I hereby consent to become a party plaintiff and authorize the prosecution of the above-styled action to recover any unpaid wages in my name and on my behalf by the above-representative Plaintiffs and designate the collective action representative(s) as my agent to make decisions on my behalf concerning the litigation, the method and manner of conducting this litigation, the entering of an agreement with counsel concerning attorneys' fees and costs, and all other matters pertaining to this lawsuit. I agree to keep counsel for Plaintiffs informed as to my correct mailing address and telephone number.

By marking the appropriate sections below, I certify that I worked for NPC in the following job collective classifications between January 1, 2014 and December 31, 2016 in Alabama, Arkansas, Kentucky, Mississippi, or Tennessee and believe that I was not paid in compliance with the FLSA:

\_\_\_\_\_

Server

\_\_\_\_\_

Cook

\_\_\_\_\_

Delivery Driver

\_\_\_\_\_

Shift Manager

\_\_\_\_\_

Customer Service Representative

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SIGNATURE (Sign Your Name)

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(Print Name)

---

(Street Address)

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(City, State, Zip)

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(Telephone Number)

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(Email Address)